

UNITED STATES DISTRICT COURT

for the

Southern District of New York

Manhattan Division

GROWTECH INDUSTRIES, LLC

Case No. 20-cv-3019

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

MARY MECHANIX, L.L.P.

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☐ Yes ☒ No

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Growtech Industries, LLC
Street Address	3100 Lakeshore Road
City and County	Buffalo, Erie County
State and Zip Code	New York 14219
Telephone Number	(315) 335-9692
E-mail Address	jrea@rea-lawfirm.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

Defendant No. 1

Name	Mary Mechanix, L.L.P.
Job or Title <i>(if known)</i>	
Street Address	2525 NW Expressway
City and County	Oklahoma City, Oklahoma County
State and Zip Code	Oklahoma 73112
Telephone Number	(405) 886-2036
E-mail Address <i>(if known)</i>	

Defendant No. 2

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☐

Federal question

☒

Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* _____, is a citizen of the State of *(name)* _____.

b. If the plaintiff is a corporation/limited liability company

The plaintiff, *(name)* Growtech Industries, LLC, is incorporated under the laws of the State of *(name)* New York, and has its principal place of business in the State of *(name)* New York.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)* _____, is a citizen of the State of *(name)* _____. Or is a citizen of *(foreign nation)* _____.

b. If the defendant is a limited liability partnership

The defendant, (name) Mary Mechanix, L.L.P., is incorporated under the laws of the State of (name) Oklahoma, and has its principal place of business in the State of (name) Oklahoma.
Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

The plaintiff has furnished goods and services to the defendant having a total fair and agreed upon value of \$1,914,388.00, no part of which has been paid by defendant to plaintiff except the sum of \$1,551,444.25, leaving a balance due of \$362,943.75, which remains unpaid despite repeated demands by plaintiff for payment of said monies.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

The parties entered into a series of written agreements, including purchase orders, pursuant to which plaintiff furnished goods and services on defendant's behalf to provide, deliver and install processing equipment and mechanical systems for defendant's operations, for which plaintiff is entitled to receive the aggregate sum of \$1,914,388.00, no portion of which defendant has paid except the sum of \$1,551,444.25, leaving a balance due of \$362,943.75, which remains unpaid despite plaintiff's repeated demands for payment, in breach of said agreements. Moreover, plaintiff seeks recovery on an account stated in the amount of \$362,943.75, which was provided to defendant on April 2, 2020 and to which defendant has not objected.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Plaintiff requests recovery from defendant for breach of contract and for an account stated in the sum of \$362,943.75, together with pre-judgement interest from April 2, 2020, as well as the costs and disbursements of this action, including reasonable attorney's fees.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____

Signature of Plaintiff _____

Printed Name of Plaintiff _____

B. For Attorneys

Date of signing: _____ 04/14/2020

Signature of Attorney _____ s/Jeffrey J. Rea

Printed Name of Attorney _____ Jeffrey J Rea

Bar Number _____ JR-5635

Name of Law Firm _____ Rea & Associates, LLC

Street Address _____ 225 Broadway, Suite 1515

State and Zip Code _____ New York, New York 10007

Telephone Number _____ (212) 557-5050 (Ext 1)

E-mail Address _____ jrea@rea-lawfirm.com